

Regular Meeting of the
Hillsborough County Board of Commissioners
May 15, 2013

Bouchard Building, Goffstown, NH
Minutes of the Public Session

(Not Official until Approved by the Board and signed by the Clerk.)

Present: Comm. Pappas, Comm. Holden, Comm. Ziehm, J. Hardy, P. LaFrance, D. Dionne, C. Kirby, B. Moorehead, D. Reidy, E. Robinson, M. Castonguay, G. Wenger, and L. Stonner

Call to Order

Comm. Pappas called the meeting to order at 9:03 a.m. Mr. Reidy led the Pledge of Allegiance.

Administrative Business

Minutes

Motion: To approve the minutes of the Board of Commissioner's meeting held on April, 24, 2013. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Approval of Payroll Registers

Motion: To approve a Miscellaneous Payroll dated May 2, 2013 in the amount of \$1,192 subject to review and audit. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

Motion: To approve a Regular Payroll dated May 9, 2013, in the amount of \$1,106,656.06, subject to review and audit. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Approval of Accounts Payable Register:

Motion: To approve the Accounts Payable register dated May 14, 2013, in the amount of \$1,947,379.47, subject to review and audit. Motion by Comm. Ziehm, second by Comm. Holden. Motion carried.

Budget Transfer # 2013-28

Motion: To approve Budget Transfer # 2013-28 for the Department of Corrections to transfer the amount of \$6,000 from Building Repairs, line 4230-7810, and to transfer a like amount to Equipment Repair, line 4230-7820. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Budget Transfer # 2013-29

Motion: To approve Budget Transfer # 2013-29 for the Department of Corrections to transfer the amount of \$4,000 from Workers Comp/Liability line, 4230-7140 and to transfer a like amount to Clothing & Related Items line, 4230-7520. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Public Comment on Agenda items

There was no one present who wished to comment on Agenda items.

Bid # FY 13-100 – Overhead Door

The Board addressed Bid # FY 13-100 for the Department of Corrections.

Motion: To approve Bid # FY 13-100 for an overhead rolling steel door at the Department of Corrections, and to award the bid to Fimbel Paunet, Merrimack, NH at a price of \$8,995, noting that it is the lowest responsible bidder meeting the specifications. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Nursing Home

Census

Mr. Moorehead noted that he will present the Census later in the meeting when he receives corrected numbers.

April Revenue

Mr. Moorehead referred the Board to the revenue handout and explained that this is an unaudited report; the budgeted revenue for Room and Board and ancillaries for the month was \$1,872,995 and the actual April revenue was \$1,846,260; this resulted in a negative variance of \$26,735 for the month. He added that the total resident days were 8,337 for the month; the average daily census is 270 and the budgeted census is 280.

Bid # 13-2013 – Elevator Service Contract

Mr. Moorehead presented Bid # 13-2013, which is for an Elevator Service Contract at the Nursing Home; there are 4 elevators in the building; he explained that the lowest responsible bidder is Otis Elevator, Manchester, NH; the cost is \$8,160.00 for the first year, \$8,404.80 for the second year and \$8,656.94 for the third year.

Motion: To approve Bid # 13-2013 for an Elevator Service Contract at the Nursing Home as presented by Mr. Moorehead. Motion by Comm. Holden, second by Comm. Ziehm; motion carried.

Bid # 14-2013 – Generator Transfer Switch

Mr. Moorehead presented Bid # 14-2013; it is for a Generator Transfer Switch at the Nursing Home; the transfer switch is 15 years old; he explained when the power goes out, the transfer switch does trip the generator on, but once the power is restored, it does not always transfer the power off to the unit; he noted that it is a safety issue;. He recommended replacing the unit and noted that it is budgeted; the lowest responsible bidder is Gemini Electric, Auburn, NH at a price of \$12,140. He added that a new switch can be depreciated.

Motion: To approve Bid # 14-2013 for a Generator Transfer Switch for the Nursing Home noting that it is a safety issue. The lowest responsible bidder is Gemini Electric, Auburn, NH at the price of \$12,140. Motion by Comm. Holden, second by Comm. Ziehm; motion carried.

Bid # 15-2013 – Electric Rates

Mr. Moorehead presented Bid # 15-2013, which is for Electric Rates for the County's properties; he explained that the lowest responsible bidder is Hess Energy, Woodbridge, NJ, at a price of \$.07630 cents per KWH.

Motion: To approve Bid # 15-2013 for Electric Rates for the County's properties; the lowest responsible bidder is Hess Energy, Woodbridge, NJ, at a price of \$.07630 cents per KWH. Motion by Comm. Holden, second by Comm. Ziehm; motion carried.

Old/New Business

BOC Meeting Schedule

The Board reviewed its proposed meeting schedule, noted conflicts, and agreed to check calendars and address the schedule at its May 29th meeting.

Supt. Dionne presented several additional Transfers for the Board's consideration.

Mr. Wenger noted that the following transfers will be taken from the DOC's Insurance line that are available as a result of the insurance "holiday;" he noted that if there had not been the "holiday," the DOC would not have the funds to cover these transfers. Supt. Dionne added that he is doing the best he can to work within the budget but noted that the DOC had an inmate who had a stroke that required rehab at Catholic Medical Center, the cost of which was \$34,000 for the month that he was hospitalized.

Budget Transfer # 2013-30 Department of Corrections

Motion: To approve Transfer # 2013-30 for the Department of Corrections to transfer the amount of \$18,000 from Workers Comp/Liability Insurance line 4230-7140 and to transfer a like amount to Food, line 4230-7500. Motion by Comm. Holden, second by Comm. Ziehm; motion carried.

Budget Transfer # 2013-31 Department of Corrections

Motion: To approve Budget Transfer # 2013-31 for the Department of Corrections to transfer the amount of \$30,000 from Workers Comp/Liability Insurance line 4230-7140 and to transfer a like amount to Medical Dental Males, line 4230-7590. Motion by Comm. Holden, second by Comm. Ziehm; motion carried.

Budget Transfer # 2013-32 Department of Corrections

Motion: To approve Budget Transfer # 2013-32 for the Department of Corrections to transfer the amount of \$9,000 from Workers Comp/Liability Insurance line 4230-7140 and to transfer a like amount to New Equipment, line 4230-7970. Motion by Comm. Holden, second by Comm. Ziehm; motion carried.

Budget Transfer # 2013-33 Department of Corrections

Motion: To approve Budget Transfer # 2013-33 for the Department of Corrections to transfer the amount of \$6,600 from Workers Comp/Liability Insurance line 4230-7140 and to transfer a like amount to New Equipment, line 4230-9790. Motion by Comm. Holden, second by Comm. Ziehm; motion carried.

Supt. Dionne explained that this is to cover the purchase of a large stainless steel steam kettle that cannot be repaired again; it has been in service since 1989.

Budget Transfer # 2013-34 Department of Corrections

Motion: To approve Budget Transfer # 2013-34 for the Department of Corrections to transfer the amount of \$13,500 from Workers Comp/Liability Insurance line 4230-7140 and to transfer a like amount to Equipment Repair, line 4230-7820. Motion by Comm. Holden, second by Comm. Ziehm; motion carried.

Mrs. Castonguay informed the Board that the Executive Committee Budget review meeting and the next Executive Committee meeting is combined and will start at 8:30 a.m. on May 30th. The regular budget review will take place on May 31st at 9:00 a.m. The Public Hearing will be held on Tuesday, June 18th; the Executive Committee will meet at 9:00 a.m. on Wednesday, June 19th. The County Convention will meet at 6:00 p.m. on June 20th. She added that the Commissioner's Office of Administration & Finance (COAF) will meet with the Sub Committee on Friday, May 17th and Revenue will also be addressed.

In answer to a question from Comm. Holden relative to the County Attorney's impression from the Sub Committee meeting regarding what was done with the Salary & Wage line; Attorney LaFrance responded that she recalled that there was an agreement favoring a 1.5% Merit Increase and a .5% Cola for the non-affiliated as well as the Bar Dues being paid; additionally there was as an additional \$20,000 added to the extradition line and \$20,000 was added for expert witnesses; originally there was a motion for steps, but that was taken out in favor of the Merit and COLA increases.

Attorney LaFrance informed the Board that she has 8 interns ready to start work with the County Attorney's office beginning the following Monday. She indicated that as a result of concerns raised at the last meeting relative to interns, she checked with Human Resources; it had no issues with having interns; the County has had them for years. She added that she forwarded the Intern packet to Mr. Wenger and noted that at a recent orientation, each intern was required to sign a waiver for computer use, the County Attorney's waiver, and a confidentiality letter. She added that she is not sure if Board approval is required. She explained that they will have an opportunity to serve with other senior attorneys upon approval of the Supreme Court; they typically stay for about 3 months. Each senior attorney working with an intern will be required to sign and assume responsibility for that intern while in court. She noted that one of them is doing an externship so he is coordinating that with the Law school to receive credit. She added that her goal is to make Hillsborough County a desirable internship for law students, and asked for the Board's approval.

Mr. Wenger stated that he has concerns that relate to the County having liability with respect to having interns and how they are classified. Mr. Wenger added that the County will have to make a determination on the program that is being run as it relates to the Labor Laws.

County Attorney LaFrance indicated that her office has been running this program for years and finds it frustrating that there are issues now because she has 8 people ready to start the following week. Mr. Wenger explained his concerns relate to individuals who will be representing the County in Court. He added that internships are one of the hottest topics in Labor Law currently; further adding that he receives information relative to internships on a daily or weekly basis. Mr. Wenger noted that he will review the program, review the issues, and report to the Board the following Friday. The Board agreed that it could address the program on Friday.

In response to a question, Legal Counsel, C. Kirby, noted that the County has had interns as well as fellowship programs in the past and she is not aware of the current program. Attorney LaFrance indicated that her office has had interns all along; two interns just left a month ago. Attorney Kirby added that the notices that she is getting also address whether they are interns or employees. She added that she understands the issues. Mr. Wenger added that he is certain this can be resolved with the County being protected at the same time.

Attorney LaFrance indicated that these are the first interns she will bring in and added that the intern packet has a yellow card in it that shows that they are going to be required to observe court and then to participate in court; that is the benefit they will get; it is real felony experience and it is worth its weight in gold to a law student. She added that a recommendation and experience from the Hillsborough County Attorney's office, the largest prosecuting office in the State, is invaluable.

In response to a question from Comm. Ziehm relative to security at 19 Temple Street, Ms. Robinson noted that:

- Outside shrubs have been removed to eliminate places where people could hide.
- A large tree will be removed.
- Emergency lighting inside the building has been updated.
- Exterior lighting is being improved that will better light the parking lot and make it safer.
- Bids are being written, and a source for the gate at the top of the stairs is being sought.
- Motion detectors have been added to the security bid to be installed at several locations on the open stairway once it is gated.

Mr. Wenger informed the Board that the County has received the rates from Interlocal Trust for Health Insurance, which still remains the County's best option for Health Insurance; the rate has increased 8.5%. He requested that the Board approve maintaining the Health Insurance through the Interlocal Trust for the coming year.

Motion: To maintain Health Insurance with the current provider, Interlocal Trust, for the coming year. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

In response to a question from Comm. Ziehm relative to the building in front of the Bouchard building, Ms. Robinson indicated that she will be having a sign placed on the front building that will say: "Space Available." It will include the COAF telephone number and will be double-sided. Comm. Ziehm noted that she forwarded an email to Mr. Wenger and the other Commissioners relative to the RFP for the Registry of Deeds.

Mr. Moorehead informed the Board that this week is National Nursing Home week and employee recognition will be the following day at 1:30.

Mr. Moorehead noted that Unit A-1 is experiencing a gastrointestinal bug. He explained that A-1 is the Alzheimer's/dementia unit and it is challenging to contain the bug to that unit, but they have been successful to date and are doing everything they can to contain it.

Mr. Moorehead noted that he has the current census; he indicated that the Nursing Home Census as of May 2, 2013 was 282 residents; it included 205 Medicaid residents, 37 Private Pay residents and 40 Medicare, Part A residents; he noted that 40 Medicare residents is a "huge" number. Mr. Moorehead explained that at the end of the year, all the statistics are combined in an annual cost report that is submitted to both Medicare and Medicaid.

Supt. Dionne presented the Department of Correction's census. He noted that as of May 7th, the total in custody was 576; it included 451 men; 160 had been sentenced and 291 were awaiting trial; there were 125 women in custody; 49 had been sentenced and 76 were awaiting trial. Supt. Dionne added that there were 8 inmates in the Pre-Trial Supervision Program (PSP), 20 in the community and 156 in the diversionary Mental Health program, 85 from Nashua and 71 from Manchester. He added that the DOC is also holding 43 females from Rockingham County.

Supt. Dionne reported that they were in Court the previous week in the matter of Osahenrumwen Ojo v. Hillsborough County and 2 Corrections Officers; the jury verdict was returned on May 8th with a finding for the County and its defendants Eldin Medic and Justin Golding. He added that the 2 officers did a good job.

Supt. Dionne added that the DOC will be involved in another trial starting the following Monday.

Supt. Dionne noted that the Officer Candidate recognition ceremony will be held the following day at noon.

Attorney Kirby requested to meet with the Board in Non-Public session with Mr. Moorehead and Supt. Dionne separately consistent with RSA 91-A 3 II (e) relative to pending litigations.

A discussion ensued relative to the continuing budget process with the Sub Committees. Mr. Wenger noted that the Sub Committee will be meeting with Commissioner's Office of Administration & Finance (COAF) relative to its budget the following Friday. The Board discussed how it will present information relative to its budget.

Comm. Pappas entertained a motion to move into Non-Public Session.

Motion: To move into Non-Public session with:

- Mr. Moorehead consistent with RSA 91-A:3 II (e) relative to a pending litigation.
- Supt. Dionne consistent with RSA 91-A:3 II (e) relative to a pending litigation.

Motion by Comm. Pappas, second by Comm. Ziehm. Ziehm-yes, Pappas-yes. Motion carried.

The Board moved into Non-Public Session at 11:06 a.m.

The Board met with Supt. Dionne and Attorney Kirby.

The Board met with Mr. Moorehead and Attorney Kirby.

The Board moved out of Non-Public Session at 10:31 a.m.

Motion: To move out of Non-Public Session. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Motion: In the matter of the Nursing Home collection, the Board agreed to direct Attorney Kirby to make a counter offer and settle for the amount discussed. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Motion: In the matter of the Department of Corrections litigation, the Board agreed to authorize settlement in the amount discussed. Motion by Comm. Holden, second by Comm. Ziehm. Motion carried.

Mr. Wenger informed the Board that one of the collective bargaining agreements has been tentatively approved; he added that it is unlikely that another of the pending contracts will be approved in the near future.

Lacking further business, and without objection, Comm. Pappas adjourned the meeting.

The meeting adjourned at approximately 10:40 a.m.

Approved June 12, 2013

Comm. Sandra Ziehm, Clerk
Hillsborough County Board of Commissioners

Date